

Joseph R. Re (SBN 134479)
joe.re@knobbe.com
Stephen C. Jensen (SBN 149894)
steve.jensen@knobbe.com
Benjamin A. Katzenellenbogen (SBN 208527)
ben.katzenellenbogen@knobbe.com
Stephen W. Larson (SBN 240844)
stephen.larson@knobbe.com
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
Phone: (949) 760-0404
Fax: (949) 760-9502

Adam B. Powell (SBN 272725)
adam.powell@knobbe.com
KNOBBE, MARTENS, OLSON & BEAR, LLP
12790 El Camino Real
San Diego, CA 92130
Phone: (858) 707-4000
Fax: (858) 707-4001

Attorneys for Defendants
MASIMO CORPORATION and
MASIMO AMERICAS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

PHYSICIANS HEALTHSOURCE,
INC.,

Plaintiff,

v.

MASIMO CORPORATION, et al.

Defendants.

Case No. 8:14-cv-00001 JVS (ADSx)

Hon. Judge James V. Selna

**[PROPOSED] ORDER
GRANTING MASIMO'S MOTION
FOR REVIEW OF MAGISTRATE
JUDGE'S ORDER**

HEARING:

Date: February 25, 2019

Time: 1:30 p.m.

Trm: 10C

1 Having considered the Motion of Defendants Masimo Corporation and
2 Masimo Americas, Inc., for Review of Magistrate Judge's Order, all the papers
3 filed in support thereof, all papers in opposition thereto filed by Plaintiff, and
4 any oral argument of counsel at any hearing on the motion, the Court hereby
5 GRANTS Defendants' motion as follows:

6 1. Magistrate Judge Spaeth's January 3, 2019, Order "1) Denying
7 Defendants' Motion for Protective Order as Moot and 2) Denying Defendants'
8 Motion to Quash Subpoena" (Dkt. No. 126) is set aside in its entirety.

9 2. The scope of discovery in this case is limited to information
10 concerning the two alleged fax advertisements that Plaintiff Physicians
11 Healthsource, Inc. ("PHI") claims to have received, which are attached to the
12 Complaint as Exhibit A. PHI's Requests for Production Nos. 1-4, 10-14, 16,
13 19-27, 29, 32, 34-41, 43, and 45, and PHI's Interrogatory Nos. 2-5, 7-15, 17,
14 and 21, are limited to information concerning the two alleged fax
15 advertisements that PHI claims to have received.

16 3. The scope of third party discovery, specifically including PHI's
17 subpoenas to WestFax, Medical Communications Technologies, the American
18 Medical Association, SK&A Information Services, Windstream
19 Communications, IntegriChain, and Odyssey Services is similarly limited to
20 information concerning the two alleged fax advertisements that PHI claims to
21 have received. The Court quashes any aspects of PHI's subpoenas that seek
22 information about other alleged faxes.

23 **IT IS SO ORDERED.**

24
25
26 Dated:

Honorable James V. Selna
United States District Judge

27
28 29716508